

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

United States of America,

Plaintiff,

v.

Case No. 18-cr-20495

Ibraheem Izzy Musaibli,  
aka Abu Shifa Musaibli,  
aka Abu ‘Abd Al-Rahman Al-Yemeni,

Defendant.

**MOTION AND BRIEF REQUESTING THE COURT DESIGNATE  
A NEW CLASSIFIED INFORMATION SECURITY OFFICER**

The United States of America respectfully submits this motion requesting that the Court designate a new Classified Information Security Officer (“CISO”), pursuant to the Classified Information Procedures Act, 18 U.S.C. App. III (“CIPA”) and Section 2 of the Revised Security Procedures established under Pub. L. 96-456, 94 Stat. 2025 by the Chief Justice of the United States and promulgated pursuant to Section 9 of CIPA (“Rev. Pro.”).

## BRIEF IN SUPPORT

On November 29, 2018, this Court granted the government's motion to appoint Debra Randall-Guerrero as the primary CISO in the above-captioned case. On August 6, 2020, undersigned counsel was notified that Ms. Randall-Guerrero is no longer able to serve in this role, and that the Department of Justice Security Officer was recommending that Matthew W. Mullery be designated the new CISO. The government is thereby requesting that the Court designate Matthew W. Mullery as the new CISO in this case.

Section 2 of the Revised Procedures provides that "[i]n any proceeding in a criminal case or appeal therefrom in which classified information is within, or is reasonably expected to be within, the custody of the court, the court will designate a 'classified information security officer.'" The government has already submitted classified filings in this case and will likely submit additional ones. Accordingly, the government requests that the necessary steps be taken to enable the Court and court personnel to handle classified information.

The Attorney General or the Department of Justice Security Officer is required to recommend to the Court an individual selected

from the Litigation Security Group, Security and Emergency Planning Staff, Department of Justice, who is an individual of demonstrated competence to serve as CISO and who has the necessary level of clearance for the classified information involved. Rev. Pro. § 2. In accordance with this requirement, a letter from the Department of Justice Security Officer, James L. Dunlap, is attached to this Motion. In this letter, Security Officer Dunlap recommends that the Court designate Matthew W. Mullery as the CISO for this case. The letter further recommends that the Court designate the following individuals as alternate CISOs to serve in the event that Mr. Mullery is unavailable: Daniel O. Hartenstine, Maura L. Peterson, Carli V. Rodriguez-Feo, Harry J. Rucker, and Winfield S. Slade. *See Attachment A, Letter from Department of Justice Security Officer, James L. Dunlap.* The Department of Justice Security Officer has certified that all of these individuals possess the necessary clearance for the level and category of classified information involved in this case and that they are qualified to serve as CISOs and have demonstrated competence in security matters. *Id.* According to the Department of Justice Security Officer, these individuals have completed extensive training in security-

related matters and have acted capably in the capacity of CISOs in a number of cases in the past.

Accordingly, the government requests that the Court designate Matthew W. Mullery as the CISO and that the Court designate the following individuals as alternate CISOs: Daniel O. Hartenstine, Maura L. Peterson, Carli V. Rodriguez-Feo, Harry J. Rucker, and Winfield S. Slade.

In accordance with the local rule 7.1, on August 7, 2020, defense counsel indicated that they do not object to this motion.

Matthew Schneider  
United States Attorney

s/Hank Moon

Hank Moon  
Assistant United States Attorney  
211 W. Fort Street, Suite 2001  
Detroit, MI 48226  
Hank.moon@usdoj.gov  
(313) 226-0220

s/Kevin Mulcahy

Kevin Mulcahy  
Assistant United States Attorney  
211 W. Fort Street, Suite 2001  
Detroit, MI 48226  
Kevin.mulcahy@usdoj.gov  
(313) 226-9713

Date: August 7, 2020

Certificate of Service

I hereby certify that on August 7, 2020, I electronically filed the foregoing document with the Clerk of the Court using the ECF system, which will send notification of such filing to all interested parties.

s/Hank Moon

Hank Moon

Assistant United States Attorney

211 W. Fort Street, Suite 2001

Detroit, MI 48226

[hank.moon@usdoj.gov](mailto:hank.moon@usdoj.gov)

(313) 226-0220

# Attachment A



U.S. Department of Justice

Justice Management Division

Security and Emergency Planning Staff

---

Washington, D.C. 20530

AUG 06 2020

The Honorable David M. Lawson  
United States District Court  
for the Eastern District of Michigan  
Theodore Levin United States Courthouse  
231 W. Lafayette Boulevard  
Detroit, Michigan 48226

RE: *United States v. Ibraheem Izzy Musaibli (18-cr-20495)*

Dear Judge Lawson:

Pursuant to paragraph two of the "REVISED SECURITY PROCEDURES ESTABLISHED PURSUANT TO PUB. L. 96-456, 94 STAT. 2025, BY THE CHIEF JUSTICE OF THE UNITED STATES FOR THE PROTECTION OF CLASSIFIED INFORMATION," I recommend Mr. Matthew W. Mullery, Security Specialist, for the position of Classified Information Security Officer in the above-captioned case. I also recommend Security Specialists, Daniel O. Hartenstine, Maura L. Peterson, Carli V. Rodriguez-Feo, Harry J. Rucker, and Winfield S. "Scooter" Slade as alternate Classified Information Security Officers. In addition, I certify that the above-named individuals are members of the Security and Emergency Planning Staff, Litigation Security Group. Each possesses the requisite security clearance for the category of classification that will be involved in this litigation. I also certify that they have the requisite competence and qualifications to perform their security-related duties in this case. They have undergone extensive training and have acted capably in the capacity of Classified Information Security Officer in a number of legal proceedings in the past. They are qualified specialists with years of experience in all security disciplines. Their duties will include responsibilities to the court for information, physical, personnel, and communications security, as well as any other pertinent duties outlined in the above-cited procedures.

If you have any questions please call me or Christine Gunning, Deputy Director, on (202) 514-2094.

Sincerely,

A handwritten signature in cursive script that reads "James L. Dunlap".

James L. Dunlap  
Department Security Officer